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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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In re:

DALE E. CAPPS AND TYNA M. CAPPS,

**Bankruptcy Case No.: 14-21632**

**Adversary Proc. No.: 14-02183**

[Chapter 7]

The Honorable William T. Thurman

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**REPORT OF PARTIES' PLANNING MEETING  
PURSUANT TO FED. R. CIV. P. 26(f)**

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1. **Parties Planning Meeting:** Pursuant to Fed. R. Civ. P. 26(f), the parties conducted a telephonic planning meeting on **Thursday, September 11, 2014 at 11:00 a.m.** The following participated in the planning meeting and have conferred regarding the dates and matters set forth herein:

- a. Kevin M. Bischoff  
OLSEN, SKOUBYE & NIELSON, LLC  
*Representing Creditor State of Oregon*  
999 E. Murray Holladay Road, Ste. 200  
Salt Lake City, Utah 84117
- b. Bryan Adamson  
THE JUSTICE FIRM LEGAL, LLC  
*Representing Debtors Tyna and Dale Capps*  
132 West Tabernacle  
St. George, Utah 84770

- 2. **Pre-Discovery Disclosures:** The parties will exchange by **September 25, 2014** the information required by Fed. R. Civ. P. 26(a)(1) and Local Rule 7016-1.
- 3. **Discovery Plan:** The parties jointly propose to the Court the following discovery plan:
  - a. Discovery will be needed on the following subjects: (i) Plaintiff's claims; and (ii) Defendant's defenses.
  - b. Should there be electronically stored information, the discovery or disclosure of that information will be handled by producing the electronically stored information via email or by compact disk.
  - c. Claims of privilege or protection of trial-preparation materials after production of the same shall be communicated promptly upon discovery of any accidental disclosure of the same. Counsel for the parties will discuss the issue and try to resolve the issue and/or admissibility of the subject disclosure. If the parties cannot resolve the issue on their own, they will brief the matter

and submit the issue to the Court with appropriate redacting of any materials necessary to avoid disclosure of such information to anyone other than the Court.

- d. All discovery will be commenced in time to be completed by **March 31, 2015**.
- e. Interrogatories - Maximum of 25 interrogatories by each party to any other party. Responses will be due 30 days after service in accordance with Fed. R. Civ. P. 33.
- f. Requests for Admission - Maximum of 25 requests for admission by each party to any other party. Responses will be due 30 days after service in accordance with Fed. R. Civ. P. 36.
- g. Requests for Production – Maximum of 25 requests for production of documents by each party to any other party. Responses will be due 30 days after service in accordance with Fed. R. Civ. P. 34.
- h. Oral Exam Depositions - Maximum of 5 by Plaintiff and 5 by Defendant. Each oral exam deposition will be limited to a maximum of 7 hours unless extended by agreement of parties.
- i. Reports from retained experts under Rule 26(a)(2), if any, will be due **April 30, 2015**. Rebuttal expert designations, if any, will be due **June 1, 2015**. Any

expert witness depositions will be conducted by **July 1, 2015**, unless otherwise agreed to by the parties.

- j. The duty to supplement discovery pursuant to Rule 26(e) will be ongoing and should be made on a continuing basis. If new information is discovered or supplementation is required, disclosure of that information will be made within a reasonable time after the information becomes available to the parties.

4. **Other Items:**

- a. An initial pretrial conference has been set by the Court for **September 25, 2014 at 9:30 a.m.** However, the parties do not believe this conference to be necessary given that they have agreed to the scheduling order presented herein.
- b. The parties do not request an additional pretrial conference other than a final pretrial conference in approximately **September of 2015**.
- c. The Parties should be allowed until **January 30, 2015** to join additional parties and to amend the pleadings.
- d. All potentially dispositive motions should be filed by **August 7, 2015**.
- e. The likelihood of settlement of this matter is unknown at this time.

- f. Final lists of witnesses and exhibits under Rule 26(a)(3) are due from Plaintiff by thirty (30) days prior to the final pretrial conference and from Defendant by fifteen (15) days prior to the final pretrial conference.
- g. Parties should have fifteen (15) days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).
- h. The case should be ready for trial by **October of 2015**.
- i. The estimated length of trial is: **two (2) days**.

Dated this 11<sup>th</sup> day of September, 2014.

OLSEN, SKOUBYE & NIELSON, LLC

By: /s/ Kevin M. Bischoff

Kevin M. Bischoff  
*Attorneys for Plaintiff*

Dated this 11<sup>th</sup> day of September, 2014.

THE JUSTICE FIRM LEGAL, LLC

By: /s/ Bryan Adamson\*

Bryan Adamson  
*Attorney for Debtors*  
*\* Signed electronically with permission of counsel*

### **CERTIFICATE OF MAILING**

I hereby certify that on this 12<sup>th</sup> day of September, 2014, a true and correct copy of the foregoing REPORT OF PARTIES' PLANNING MEETING PURSUANT TO FED. R. CIV. P. 26(f) was filed electronically with the Clerk of the Court using the CM/ECF system and therefore electronic notification was sent to all parties whose name appear on the electronic mail notification list for the Court and the following via U.S. Mail, postage prepaid, to the following:

Michael F. Thomson – Trustee Dorsey & Whitney, LLP 136 South Main Street, Suite 1000 Salt Lake City, UT 84101-1685	(X) U.S. Mail, Postage Prepaid
Mary Margaret Hunt Nathan Seim Dorsey & Whitney, LLP 136 South Main Street, Suite 1000 Salt Lake City, UT 84101-1685 <i>Attorney for Trustee Michael F. Thomson</i>	(X) U.S. Mail, Postage Prepaid
United States Trustee Ken Garff Bldg. 405 South Main Street, Suite 300 Salt Lake City, UT 84111	(X) U.S. Mail, Postage Prepaid
Bryan Adamson The Justice Firm Legal, LLC 132 West Tabernacle St. George, UT 84770 <i>Attorney for Debtors Dale and Tyna Capps</i>	(X) U.S. Mail, Postage Prepaid

By: Dusty France